

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

EDWARD STROMAN and  
ANNETTE STROMAN, wife and  
husband, and the marital community  
comprised thereof,

Plaintiffs,

v.

STATE FARM FIRE AND  
CASUALTY COMPANY, *et al.*,

Defendants.

CASE NO. C18-1297 RAJ

ORDER

This matter comes before the Court again on Plaintiffs' Motion to Remand and For Attorney Fees ("Motion to Remand"). Dkt. # 15. On April 22, 2019, the Court reserved ruling on Plaintiff's Motion and granted in part Defendant State Farm Fire and Casualty Company's ("State Farm") Motion to Compel certain discovery related to the timing of Plaintiffs' settlement agreement with a previous defendant, JC Services, Inc. Dkt. # 35. The relevant preliminary facts and legal issues are set forth in that Order and the Court will not repeat them here. Following this additional discovery, the parties submitted a joint filing (Dkt. # 40), with each side arguing their respective position on

1 whether the case should be remanded, or whether Plaintiffs prevented removal in bad  
2 faith. The Court has reviewed the parties' joint submission, and the evidence presented  
3 in favor of both sides.

4 For the reasons stated below, the Court **GRANTS** Plaintiffs' Motion to Remand.

### 5 **I. DISCUSSION**

6 The Court believes this case is a close call. The Court recognizes that that timing  
7 of JC Services' dismissal, at one year and two days after Plaintiffs filed their Complaint  
8 in state court, remains suspicious on its face. However, the updated records do not  
9 establish that this timeframe was necessarily the product of bad faith. Plaintiffs appeared  
10 to be in continued negotiations with JC Services about property inspections and the  
11 procedure for executing their settlement until August 7, 2018, despite communications  
12 indicating that the terms of the agreement were finalized in essence as of July 12 or 13.  
13 *See, e.g.*, Dkt. # 40, Exs. D, E, I, J, K, 12, 17-21, 23, 26-29, 30, 32. The record shows that  
14 Plaintiffs received the settlement check from JC Services on August 7, 2018. *Id.* at Ex.  
15 K. Plaintiffs submit a Declaration that Keller Rohrback immediately delivered the check  
16 to their accounting department and "waited for the funds to clear" before sending the  
17 stipulation for dismissal to JC Services, which occurred on August 16, 2018. *Id.* at Exs.  
18 J, 34. While the explanation for this delay of nine days is not completely airtight, as it is  
19 not clear why a settlement check took over a week to clear accounting, there is little in  
20 the record to indicate that this delay was done intentionally to defeat federal jurisdiction.

21 The Court ultimately finds that Defendants have not met their "high burden" of  
22 showing Plaintiffs delayed removal in bad faith. *Heacock v. Rolling Frito-Lay Sales, LP*,  
23 No. C16-0829-JCC, 2016 WL 4009849, at \*3 (W.D. Wash. July 27, 2016). Although the  
24 Court recognizes that Plaintiffs could have moved more expeditiously in settling and  
25 dismissing their case with JC Services, there is simply not enough evidence in the record  
26 to indicate they did so with bad faith. Given that this Court must err on the side of  
27 remand in this situation, the Court will find for Plaintiffs. *See Harris v. Bankers Life &*

1 *Cas. Co.*, 425 F.3d 689, 698 (9th Cir. 2005) (holding that removal jurisdiction is strictly  
2 construed in favor of remand, and any doubt as to the right of removal must be resolved  
3 in favor of remand). The Court, however, will not award Plaintiffs’ attorney’s fees, as  
4 Defendants’ basis for removing was not objectively unreasonable. *Martin v. Franklin*  
5 *Capital Corp.*, 546 U.S. 132, 139 (2005) (“[A]bsent unusual circumstances, attorney’s  
6 fees should not be awarded when the removing party has an objectively reasonable basis  
7 for removal.”).

## 8 **II. CONCLUSION**

9 Accordingly, the Court **GRANTS** Plaintiffs’ Motion for Remand. Dkt. # 15. The  
10 Clerk is directed to remand this action to King County Superior Court.

11 Dated this 24th day of June, 2019.

12  
13   
14

15 The Honorable Richard A. Jones  
16 United States District Judge  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27